Reg. No. K. 167

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. X] Trivandrum, Friday, 26th March 1965 / 5th Chaitra 1887 [No. 44

GOVERNMENT OF KERALA

Political & Military 'A' Department

NOTIFICATION

No. 24053-A2|65-1|P&M.

Trivandrum, dated 26th March 1965.

The following two proclamations and order dated 24th March 1965 made by the Vice-President of India discharging the functions of the President, are hereby

PROCLAMATION

In exercise of the powers conferred by clause (2) of article 356 of the Constitution of India, I, Zakir Husain, Vice-President of India, discharging the functions of the President, hereby revoke the Proclamation made by the President under the said article on the 10th September, 1964, in relation to the State of Kerala.

(Sd.)
ZAKIR HUSAIN,
VICE-PRESIDENT,
discharging the functions
of the President.

NEW DELHI,
THE 24TH MARCH, 1965.

PROCLAMATION

Whereas I, Zakir Husain, Vice-President of India, discharging the functions of the President, have received a report from the Governor of the State of Kerala and after considering the report and other information received by me, I am satisfied that a situation has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as 'the Constitution');

Now, therefore, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby proclaim that the President of India—

(a) assumes to himself all functions of the Government of the said State and all powers vested in or exercisable by the Governor of that State;

(b) declares that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and

(c) makes the following incidental and consequential provisions which appear to be necessary or desirable for giving effect to the objects of this Proclamation namely:—

(i) in the exercise of the functions and powers assumed to himself by virtue of clause (a) of this Proclamation as aforesaid, it shall be lawful for the President of India to act to such extent as he thinks fit through the Governor of the said State;

(ii) the operation of the following provisions of the Constitution in relation to that State is hereby suspended, namely:—

so much of the proviso to article 3 as relates to the reference by the President to the Legislature of the State;

articles 163 and 164, clause (3) of article 166, articles 167 and 169, clause (1) and sub-clause (a) of clause (2) of article 174, articles 175 to 186 (both inclusive), clause (3) of article 187 so far as it requires consultation with the Speaker of the Legislative Assembly, articles 188 and 189, articles 193 to 198 (both inclusive), articles 200 and 201, so much of clause (3) of article 202 as relates to salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly, articles 208, 209 and 211, and the proviso to clause (1) and the proviso to clause (3) of article 213;

(iii) the Legislative Assembly of the said State is hereby dissolved;

(iv) any reference in the Constitution to the Governor shall in relation to the said State be construed as a reference to the President, and any reference therein to the Legislature or Legislative Assembly

of the State shall, in so far as it relates to the functions and powers thereof, be construed as a reference to Parliament, and, in particular, the references in article 213 to the Governor and to the Legislature or Legislative Assembly of the State shall be construed as references to the President and to Parliament respectively:

Provided that nothing herein shall affect the provisions of article 153, articles 155 to 159 (both inclusive), article 299 and article 361 and paragraphs 1 to 4 (both inclusive) of the Second Schedule or prevent the President from acting under sub-clause (i) of this clause to such extent as he thinks fit through the Governor of the said State;

(v) any reference in the Constitution to Acts or laws of or made by the Legislature of the State shall be construed as including a reference to Acts or laws made, in exercise of the powers of the Legislature of the State, by Parliament by virtue of this Proclamation, or by the President or other authority referred to in sub-clause (a) of clause (1) of article 357 of the Constitution and the Interpretation and General Clauses Act (Act VII of 1125), as in force in the State of Kerala and so much of the General Clauses Act, 1897 (10 of 1897) as applies to State laws, shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

(Sd.)

ZAKIR HUSAIN,
VICE-PRESIDENT,
discharging the functions
of the President.

NEW DELHI,
THE 24TH MARCH, 1965.

ORDER

New Delhi, the 24th March, 1965.

The following Order made by the Vice-President, discharging the functions of the President is published for general information:—

In pursuance of sub-clause (i) of clause (c) of the Proclamation issued on this the 24th day of March, 1965, by me under article 356 of the Constitution of India, I hereby direct that all the functions of the Government of the State of Kerala and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President of India by virtue of clause (a) of the said Proclamation, shall, subject to his superintendence, direction and control, be exercisable also by the Governor of the said State.

(Sd.)
ZAKIR HUSAIN,
VICE-PRESIDENT,
discharging the functions of the President.

NEW DELHI,
THE 24TH MARCH, 1965.

(Sd.)
L. P. SINGH,
Secretary.

NEW DELHI,
THE 24TH MARCH, 1965.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1965.